

REMARKS

Claims 23, 25, 28-31, 33-37, 39, and 40 are pending in the application. All of the pending claims stand rejected as obvious in view of the combination of Potts '727 in view of Simpson '130. In particular, the obviousness rejection is premised on the assertion that it would have been obvious to one of ordinary skill in the art to substitute a non-ionic fluoropolymer, such as the fluoropolymer described in Simpson '130, for one of the fluoropolymer additives of the molten extrusion compositions of Potts '727.

In section 6 of the Office Action, the Examiner relies on the paragraph bridging columns 17 and 18 of Potts '727 as the basis for the obviousness rejection. In particular, the Examiner asserts that because this paragraph teaches of a multilayer fabric with each layer containing an additive, that one skilled in the art would be motivated to substitute the non-ionic additive of Simpson '130 into every layer of the fabric of Potts '727. The Examiner has also taken the position that "applicant jumps to the conclusion that two adjacent layers [in Potts '727] must not contain the same additive. This is clearly not true because Potts discloses multiple embodiments wherein adjacent layers do indeed contain the same additive (see paragraph bridging columns 17 and 18)."

It is respectfully submitted that the Examiner has misinterpreted the arguments set forth in the prior amendment, as well as the scope of the present claims. Claim 23 calls for a dried coating of a solution applied to the laminate so as to permeate every material layer of the laminate. This results in a coating of all of the various layers of the laminate with the same solution. As explained in the last Amendment, this construction is opposite to the laminate construction of Potts '727. Applicant acknowledges that

Potts '727 teaches of an embodiment having multiple layers, with each layer having an additive. However, Potts '727 expressly teaches that the additives are added as a component of the melt extruded fibers as the fibers are formed so that the additive does not migrate to an adjacent layer to a significant degree. In every example in Potts '727, at least one of the layers has a different additive so that the surface characteristics of at least one layer is different from the surface characteristics of another layer. This includes the embodiment in the paragraph cited by the Examiner bridging columns 17 and 18. According to Potts '727, for different layers within the laminate to have different surface characteristics resulting from the use of different additives, the additives are added as a component of the molten polymer extrusion so as not to migrate to an adjacent layer. Adjacent layers in the embodiment may have the same additive in Potts '727, but at least one layer within the laminate has different surface characteristics, which may be from a different additive.

The very purpose of the invention according to Potts '727 is to form a composite multilayer structure wherein the additives in the layers do not migrate to an adjacent layer to any significant degree. In this manner, the surface characteristics of the layers remain substantially unaffected by an adjacent layer. The fact that two or more layers within the structure may have the same additives does not detract from the teaching in Potts that at least one layer within the laminate does not contain the same additive (or no additive at all). In other words, at least one of the layers in the laminate possesses a surface characteristic that is not affected by the fluoropolymer additive in an adjacent layer.

The very purpose and object of the invention according to Potts '727 cannot be achieved in accordance with the presently claimed invention. It is well settled that an obviousness combination that essentially destroys the intended purpose and function of the primary reference is not the proper basis for a rejection under § 103. In this case, independent claim 23 calls for the laminate to have a dried coating of a non-ionic fluoropolymer composition on every layer of the laminate, with the composition being applied in solution form to the laminate so as to permeate and coat every layer of the laminate. This is opposite to the teachings and purpose of the laminate construction of Potts '727, wherein the additive (whatever additive is desired) is added as a component of the molten polymer composition so as not to affect the adjacent layer.

Accordingly, when properly considering the teachings of Potts '727 in its entirety, even if one skilled in the art were to substitute the fluoropolymer disclosed in Simpson '130 for one of the fluoropolymer additives of Potts '727, the result is not a laminate structure wherein every layer in the laminate comprises a dried coating of the same non-ionic fluoropolymer composition. In fact, the very purpose of Potts '727 is to prevent such a laminate structure. It is only through improper hindsight analysis that the assertion can be made that one skilled in the art would completely circumvent or ignore the process teachings of Potts '727 calling for the additives to be a component of the molten polymer so that they do not migrate to an adjacent layer.

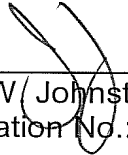
Accordingly, applicant respectfully submits that the pending claims patentably distinguish over the combination of Potts '727 and Simpson '130, and are allowable. The Examiner is respectfully requested to reconsider the merits of the obviousness rejection.

The Examiner is encouraged to contact the undersigned at his convenience should he have any questions or require any additional information.

Respectfully submitted,

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